DOCUMENT RESUME

ED 462 345 SO 033 585

AUTHOR	Lawlor, John M., Jr.
TITLE	Fugitive from Labor Cases: Henry Garnett (1850) and Moses Honner (1860). The Constitution Community: Civil War and Reconstruction (1850-1870).
INSTITUTION	National Archives and Records Administration, Washington, DC.
PUB DATE	2001-00-00
NOTE	43p.; For related lesson plans, see ED 461 604-607 and ED 461 609-615. Photographic images may not reproduce clearly.
AVAILABLE FROM	National Archives and Records Administration, 700 Pennsylvania Avenue, N.W., Washington, DC 20408. Tel: 866-325-7208 (Toll Free); e-mail: inquire@nara.gov. For full text: http://www.nara.gov/education/cc/main.html.
PUB TYPE	Guides - Classroom - Teacher (052)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Civil War (United States); Comparative Analysis; *Court Litigation; *Federal Government; *Political Issues; *Primary Sources; Secondary Education; *Slavery; Social Studies
IDENTIFIERS	National Civics and Government Standards; National History Standards; United States Constitution

ABSTRACT

The cases of Henry Garnett and Moses Honner bookend the 1850s, a decade of intensifying political crisis that was deeply connected to the institution of slavery. In both court actions, which were tried in the Third Circuit Court, Eastern District, Philadelphia, Pennsylvania, the defendants were charged with being "fugitives from labor." Despite similarities in the cases, the outcomes were completely opposite. This lesson compares the Garnett and Honner cases pointing to the increasingly volatile political crisis of the 1850s arising over the issue of slavery and necessitating the enactment of the 13th, 14th, and 15th Amendments to the U.S. Constitution. The lesson correlates to the National History Standards and to the National Standards for Civics and Government. It furnishes three primary source documents connected to the two cases. The lesson provides historical background and lists four resources. It offers instructions for implementing six diverse teaching activities, compare and contrast the cases, research on the cases, essay writing, and an extension activity. (Contains a written document analysis worksheet.) (BT)

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National Archives and Records Administration

THE CONSTITUTION COMMUNITY

Civil War and Reconstruction (1850-1870)

Fugitive from Labor Cases: Henry Garnett (1850) and Moses Honner (1860)

By John M. Lawlor, Jr.

SO 033 585

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2001

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The Constitution Community is a partnership between classroom teachers and education specialists from the National Archives and Records Administration. We are developing lessons and activities that address constitutional issues, correlate to national academic standards, and encourage the analysis of primary source documents. The lessons that have been developed are arranged according to historical era.

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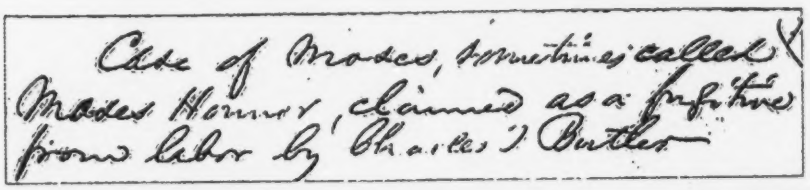
Fugitive from Labor Cases: Henry Garnett (1850) and Moses Honner (1860)



Constitutional Connection

Comparison of the Henry Garnett and Moses Honner cases demonstrates the increasingly volatile political crisis in the 1850s arising over the issue of slavery and the necessity for the enactment of the 13th , 14th , and 15th Amendments to the U.S. Constitution.

This lesson correlates to the National History Standards.

Era 5 -Civil War and Reconstruction (1850-1877)

- **Standard 1A** -Demonstrate understanding of how the North and South differed and how politics and ideologies led to the Civil War.

This lesson correlates to the National Standards for Civics and Government.

Standard I.A.3 -Evaluate, take, and defend positions on competing ideas regarding the purposes of politics and government and their implications for the individual and society.

Standard I.B.1 -Explain the essential characteristics of limited and unlimited governments.

Standard I.B.2 -Evaluate, take, and defend positions on the importance of the rule of law and on the sources, purposes, and functions of law.

Standard I.C.2 -Explain the various purposes served by constitutions.

Cross-curricular Connections

Share this exercise with your history, government, and language arts colleagues.

List of Documents

Year	Case	Document 1	Document 2	Document 3
1850	**Henry Garnett**	**Warrant** (1 pg.)	**Evidence** (5 pgs.)	**Judgment** (1 pg.)
1860	**Moses Honner**	**Warrant** (1 pg.)	**Evidence** (14 pgs.)	**Judgment** (6 pgs.)

Historical Background

The cases of Henry Garnett and Moses Honner bookend the 1850s, a decade of intensifying political crisis that was deeply connected to the institution of slavery. In both court actions, the defendants were charged with being "fugitives from labor," but, despite numerous similarities, the outcomes of the cases were exactly opposite. Both cases were tried in the Third Circuit Court, Eastern District, Philadelphia, Pennsylvania.

Escape to freedom was one of the methods of individual and sometimes group resistance to enslavement. As the abolition movement gained strength and the political climate deteriorated, more "fugitives from labor" took the Underground Railroad to freedom. Not all were successful; many were captured. The two cases in this lesson, nearly identical in many respects, show dramatically different outcomes.

The explanation for the differences lies in the historical events of the 1850s. By 1861 the issue of fugitive slaves was so devisive that President Lincoln in his inaugural address stated: "There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions: No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

And President Lincoln went on to observe that "All members of Congress swear their support to the whole Constitution--to this provision as much as to any other." To eliminate slavery, then, required amending the U.S. Constitution.

Resources

Abraham Lincoln, First Inaugural Address, March 4, 1861, available online from Columbia University (http://www.cc.columbia.edu/acis/bartleby/inaugural/pres31.html).

Catton, Bruce. *The Civil War* . Boston: Houghton Mifflin Company, 1987.

Franklin, John Hope. *From Slavery to Freedom: A History of Negro Americans* . 2nd ed. New York: Knopf, 1974.

Major Problems in the Civil War and Reconstruction . Edited by Michael Perman. 2nd ed. Boston: Houghton Mifflin Company, 1998.

Teaching Activities

Class Discussion

1. Ask the students to explain the difference between the phrase "fugitive from labor" and "runaway slave." Instruct them to keep these differences in mind as they analyze the documents.

Document Analysis

2. Divide the students into 8 groups. Provide one group with a copy of the Garnett warrant, one group with the Garnett evidence, one group with the Garnett judgment, one group with the Honner warrant, three groups with different documents from the Honner evidence, and one group with the Honner judgment. Provide each group with a copy of one of the Written Document Analysis Worksheet . Instruct each group to complete the worksheet based on their document. As they do this, ask students to list and define unfamiliar words and terms in the document. Direct a representative from each group to describe their document or documents to the class.

Compare and Contrast

3. Copy the following comparison/contrast matrix onto a transparency or the chalkboard. Ask the students to complete the matrix based on the information obtained from the documents. After completing the matrix, direct the students to look for subtle yet important contrasts between the two cases. For example, the warrant and judgment in 1850 were hand-written, but they were issued on preprinted forms in 1860. Ask the students to determine what these differences might indicate.

Comparison/Contrast Matrix

Items to compare/contrast	Henry Garnett	Moses Honner
Date of the trial		
Judge		
Location of the trial		
Claimant's name		
Where did the claimant live?		
Items of Evidence 1		
2		

3		
4		
5		
Judgment		

Research

4. Explain to students that between the two court cases, actions were taken by many individuals and numerous events occurred that indicated intensifying feelings with respect to slavery. These events and individuals included the Fugitive Slave Act of 1850, the Compromise of 1850, bounty hunters, the Christiana riots, Harriet Beecher Stowe's *Uncle Tom's Cabin* , "Bleeding Kansas," the Dred Scott decision, the Underground Railroad and Harriet Tubman, Preston Brooks and Charles Sumner, President James Buchanan, the Lincoln - Douglas debates, and John Brown's raid. Divide students into 12 small groups and assign one topic to each group. Direct student groups to conduct research on their topic using library and Internet resources. Ask each group to report the key information about their topic as a news flash to the class. After each group has shared their information, ask students to evaluate which topics may have had an effect on the differing judgments in the Garnett and Honner cases. Students might observe, for instance, that Chief Justice Roger B. Taney, who wrote the "non-jurisdiction" decision in the Dred Scott case, issued the warrant for the arrest of Moses Honner in 1860. Direct the students to prepare a brief report supporting their evaluations.

Essay Writing

5. Ask students to write an essay explaining why the 13th , 14th , and 15th Amendments were legally necessary for the elimination of slavery in the United States. Require students to refer specifically to the Garnett and Honner court cases in their arguments. Remind them that there is specific reference to the Constitution of the United States in the judgment rendered in the Moses Honner case.

Extension Activity

6. Tell the students to review all the documents in both cases, which are available online through the NAIL database <http://www.nara.gov/nara/nail.html>. The total number of pages is 31. Direct students to re-enact the cases by portraying the defendants, judges, claimants, bounty hunters, and witnesses as revealed in the documents.

The documents included in this project are from Record Group 21, Records of the U.S. Circuit Court. They are available online through the National Archives Information Locator (NAIL) database < http://www.nara.gov/nara/nail.html>, by conducting a search on the keywords "Moses Honner" and "Henry Garnett." NAIL is a searchable database that contains information about a wide variety of NARA holdings across the country. You can use NAIL to search record descriptions by keywords or topics and retrieve

digital copies of selected textual documents, photographs, maps, and sound recordings related to thousands of topics.

This article was written by John M. Lawlor, Jr., an instructor at Reading Area Community College in Reading, PA.

Written Document Analysis Worksheet

1. TYPE OF DOCUMENT (Check one):

___ Newspaper ___ Map ___ Advertisement
___ Letter ___ Telegram ___ Congressional Record
___ Patent ___ Press release ___ Census report
___ Memorandum ___ Report ___ Other

2. UNIQUE PHYSICAL QUALITIES OF THE DOCUMENT (Check one or more):

___ Interesting letterhead ___ Notations
___ Handwritten ___ "RECEIVED" stamp
___ Typed ___ Other
___ Seals

3. DATE(S) OF DOCUMENT: _____

4. AUTHOR (OR CREATOR) OF THE DOCUMENT: _____

POSITION (TITLE): _____

5. FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN? _____

_____

6. DOCUMENT INFORMATION (There are many possible ways to answer A-E.)

A. List three things the author said that you think are important:

1. _____
2. _____
3. _____

B. Why do you think this document was written?

_____
_____

C. What evidence in the document helps you know why it was written? Quote from the document.

_____
_____

D. List two things the document tells you about life in the United States at the time it was written:

_____

_____

E. Write a question to the author that is left unanswered by the document:

_____

_____

Designed and developed by the
Education Staff, National Archives and Records Administration, Washington, DC 20408.

United States of America,
Eastern District of Pennsylvania, } ss.

The Judges of the Circuit Court of the United States, for the Eastern District of Pennsylvania, in the Third Circuit, —

To the Marshal of the United States, for the Eastern District of Pennsylvania, —

Greeting: —

Whereas, it has been legally charged before us, that Henry, otherwise called Henry Garnett, being a person held to service or labor in the State of Maryland, and owing such service or labor to a certain Thomas Rice Jones, Executor of the last Will and Testament of Randolt Jones, hath escaped therefrom into the Eastern District of Pennsylvania: — Now, in pursuance of the Acts of Congress of the United States, in this behalf made and provided, and by force of the authority vested in us by the said acts, We do, by this Warrant, empower and command you, that you apprehend the said Henry, otherwise called Henry Garnett, if he be found within the District aforesaid, and that you cause him to be brought forthwith before us.

Given under our hands and the Seal of the said Circuit Court, at Philadelphia, this Seventeenth day of October, A. D. 1850.

R. Grier sworn Just. Sup. Court U.S.
J. K. Kane
U. S. Distr. Judge
E. D. Pa.

Document 1: Garnett Case, Warrant

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Richard Sims, sworn.—

Richard Simms, sworn, I know the negro boy Henry. He was in the employ of Benedict Jones. Claims as a slave. I knew him 8 years ago. I was born in Kent Co. Md. I first knew Henry in 1838. He belonged to Benedict Jones, as at least he was there in his employ. I cant say how long he continued in Mr. Jones' employ. He left Jones' employ in 1842. When he escaped, he was in the employ of Benedict Jones, and said to be his slave. I believed him to be his slave. I have seen the prisoner now at the Bar. He is the named Henry— I have no doubt about it.—

Benedict Jones died since I came here in the city of Phila. Henry was a slave, it was said, for a term of years. Can't say how long, but I heard he was to be free in time. He was reputed to be 17 years old at the time he left Mr. Jones, but I never had not expected. He was not set free by Mr. Jones.

Cross Ex.— I am 20 years old on the 26th of next January. I was 8 years old when I first knew the boy. I resided on the adjoining farm in 1837 I moved into Cecil Co. I am not related or connected with Mr. Jones, the claimant. I was a neighbor and friend of Mr. Jones. Prior to 1838, I did not know that the boy resided with any body else. I do not know whether he lived with any body else before or after 1838. I

Document 2, Garnett Case: Evidence in the Henry Garnett (1850) Fugitive from Labor Case, Page 1

was informed by Mr. Benedict Lewis that Henry was held for a term of years. I don't know when Mr. Lewis so informed, the nearest as I can recollect it was in 1840. Mr. Lewis was speaking to my father, when he said so. It was at Mr. Jones house where he spoke to my father. My father asked Mr. Lewis whether he owned the boy Henry, Mr. Jones stated for a term of years. Has no recollection of the duration of the term; cannot tell how it happened that Mr. Jones said the boy belonged to him. As near as I can recollect it was in 1840,—it was the election of Gen. Harrison. It was after the election. I can't say whether it was before Gen. Harrison was sworn. I last saw Henry at Mr. Benedict Lewis's in 1842. Henry at work on the farm with him. I had no particular conversation about him. I recollect no other conversation but that of Mr. Jones with my father. He was called Mr. Lewis's slave. I was always under the impression that he was a slave for a term of years. The last I saw of him was in 1842. I continued living there until two years ago. Mr. Jones died since I left. I have never seen this man since 1842 until yesterday. He had a mark on his right cheek. I recognized him by his countenance. I remember this mark upon his face since 1842. I spoke of it yesterday before I saw him

2

Document 2, Garnett Case: Evidence in the Henry Garnett (1850) Fugitive from Labor Case, Page 2

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I directed attention to the mark yesterday in the presence of Thos. Price Jones and others. There was a doubt upon my mind that Henry was the same person who escaped from Mr. Benedict Jones, at that time I expressed that doubt to Mr. Thos Price Jones. I said I could not say it was him until he was brought to the light. I did not say at first I did not think it was the man. Nobody spoke to me about him. I spoke to Mr. Thos. P. Jones, Mr. Jno. W. Jones, Ed Seamans, and Jno. Edward Ferguson about the mark on his head. It was before the claim on the negro was made. It was 8 o'clock night before last at the Red Lion Hotel. I did not live at the Red Lion Hotel. I called there to see my friends the Jones'. No papers were exhibited to me. There was no conversation about marks. I remarked to them there was a scar on his right cheeck, [illegible] just there. (pointing to the spot). I have no knowledge how he got the scar. I know of no other mark, — more than his face. Really he is not very black nor very light. I recruited my memorandum. Jones and others told me they were in pursuit of Henry. Jones himself told me. He told me he knew where he was. I did not ask him. I can't tell

2/

Document 2, Garnett Case: Evidence in the Henry Garnett (1850) Fugitive from Labor Case, Page 3

how many colored people were in the employ of Mr. Jones in 1838.

I never inquired about the mark on Henry. It appeared to be a cut. I saw it before 1842. I have not been written to about him. I have been to Cecil Co. twice a year. I never spoke of him there, not being [illegible] as I recollect I have had no direct conversation with any body on the subject.

Mr. Murray, direct. I had been in the habit of working in Mr. Jones' field for with Henry for 2 or 3 years occasionally before 1842. I had every opportunity to become acquainted with his person.

Question by Mr. Brown. What children had Mr. Jones? He had two sons, Thos. P. Jones, & Rev. Ely. Jones, and three daughters [illegible]

He Mr. Jones's present are the sons

Richard Lewis

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Document 2, Garnett Case: Evidence in the Henry Garnett (1850) Fugitive from Labor Case, Page 4

In the matter of Henry Garnett, alleged to be a fugitive from labor.

John Edward Poynter, sworn.— I live in Cecil Co. Md. about 6 miles from Mr. Thos. B. Jones' residence. I have lived there nearly 22 years. I know Benedict Jones. He died in June 1849, I think. I can say that I know this boy Henry, in Cecil County. Of course, I know nothing about him.

Edward Semans, sworn.— I live here. I have lived in Cecil Co. about 5 years ago. In January 1846, I left there. I moved there in the winter of 1837.

Evidence ~~is~~ insufficient.— By the Court— The Prisoner, Henry Garnett, is discharged.

Mr. Jones claiming the Prisoner, Henry Garnett, under the Act of Congress, is empowered to the Party, having failed to make the proof, the Prisoner is discharged.

Document 2, Garnett Case: Evidence in the Henry Garnett (1850) Fugitive from Labor Case, Page 5

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In the Matter of Henry Garnett, an alleged fugitive from Labor;—

United States
vs.
Henry Garnett.

Fugitive Slave case.

And now, to wit, this 18th day of October, 1850,— A warrant having been issued, upon the oath of Thomas Price Jones, Executor and testamentary Legatee of Benedict Jones, of Cecil County, Md. deceased, who claims to be the owner of the Defendant, until he shall have arrived at the age of 30 years; the Marshal makes return thereof, "I have the body of the within named Henry Garnett, now before your Honors,"—

Whereupon Henry Toner, Esquire, appears for the Claimant, Thomas P. Jones; and Charles Gibbons and David Paul Brown, Esquires, for the Defendant, Henry Garnett,

~~Richard Levin, Esq.~~

And now, 18th Oct. 1850, the parties being present, and being heretofore represented by Counsel, viz: Henry Toner, Esquire, for the Claimant, Thomas P. Jones, and Charles Gibbons and David Paul Brown, Esquires, for the Defendant, Henry Garnett, ~~Richard Levin, Esq.~~ ~~for the Claimant, Thomas P. Jones, and for the alleged fugitive~~ ~~being, to Henry Garnett~~ ~~Evidence having~~ is upon the behalf of the Claimant, and the same having been heard and considered,

It is ordered by the Court, That the party, claiming the person, Henry Garnett, as a fugitive from Labor or service, having failed to ~~establish his claim~~ ~~according to Law~~ ~~and proof required by the Act of Congress~~, the said Henry Garnett be, and he hereby is, discharged.

Document 2, Garnett Case: Judgment

United States of America,
Eastern District of Pennsylvania, } SCT.

The President of the United States,

TO THE MARSHAL OF THE EASTERN DISTRICT OF PENNSYLVANIA,—GREETING:

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Whereas, It has been legally charged, before the **Circuit Court of the United States,** in and for the EASTERN DISTRICT OF PENNSYLVANIA, in the Third Circuit, That Moses sometimes called Moses Honnor being a person held to Service or Labour in the State of Virginia and owing such Service or Labour to a certain Charles F. Butler hath escaped therefrom into the Eastern District of Pennsylvania: **Now,** in pursuance of the Acts of Congress of the United States, in this behalf made and provided, and by force of the Authority vested in us, **We do,** by this warrant, Empower and Command you, that you Apprehend the said Moses Sometimes called Moses Honnor ~~THEIR~~ if he be found within the District aforesaid, and that you cause him to be brought forthwith before the Judges of the said Court, at Philadelphia: And have you then and there this Writ.

Witness the Honorable Roger B Taney Chief Justice of the Supreme Court of the United States, at Philadelphia, this twenty first day of March A. D. 1860 and in the Eighty fourth year of the Independence of the said United States.

J. Swanwick
for Clerk of Circuit Court, U. S.

allowed
H.

Document 1: Honner Case, Warrant

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State of Virginia }
County of Jefferson } set.

In the County Court
March Term 1860.

Present Braxton Davenport, presiding Justice, & Robert M. Bayler, Edward S. Lacon & Israel Rutter Gents Justices. On the motion of Charles J. Butler in the matter of his slave Moses, sometimes called Moses Honner alledged to have elected out of his service and as being now a fugitive from service. The County Court of Jefferson County, Virginia, being a Court of Record and now sitting, orders it to be certified and duly entered on the records of this Court, and made part of said Records, that by competent testimony, duly admitted according to law it was satisfactorily known before this Court, this 26th day of March in the year 1860 that negro man Moses, sometimes called Moses Honner is a slave the property in absolute right and for life, of the said Charles J. Butler, and that by the Laws of Virginia, the said negro man Moses, sometimes called Moses Honner owes service and labour to said Charles J. Butler, from and during the life of said negro slave; that said Moses, sometimes called Moses Honner, eloped from the service of said Charles J. Butler, somewhere about the 16th or 17th day of August, in the year 1859. in the County of Jefferson and State of Virginia, that said slave Moses sometimes called Moses Honner is about twenty seven years of age, of a mulatto colour, neither very bright nor very dark, that his height is somewhere from five feet nine inches to six feet, appearing different as he carries himself sometimes erect and sometimes a little stooping about the neck and shoulders: and that so far as the witness is can recollect, he had no visible mark about the exposed portions of his person.

Teste. T. A. Moore. clerk

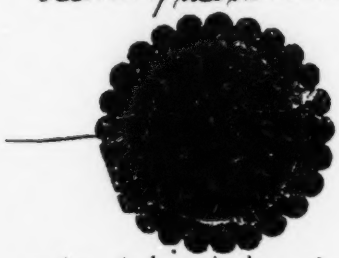
a copy. Teste

T. A. Moore. clerk

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 1

State of Virginia,
County of Jefferson, Sct.

I, Thomas A. Moore, Clerk of the County Court of said County of Jefferson, in the State of Virginia, certify that the within is a true copy from the records of the said Court.



Given under my hand, and the Seal of the said Court, this 23d day of March, A. D. 1860.

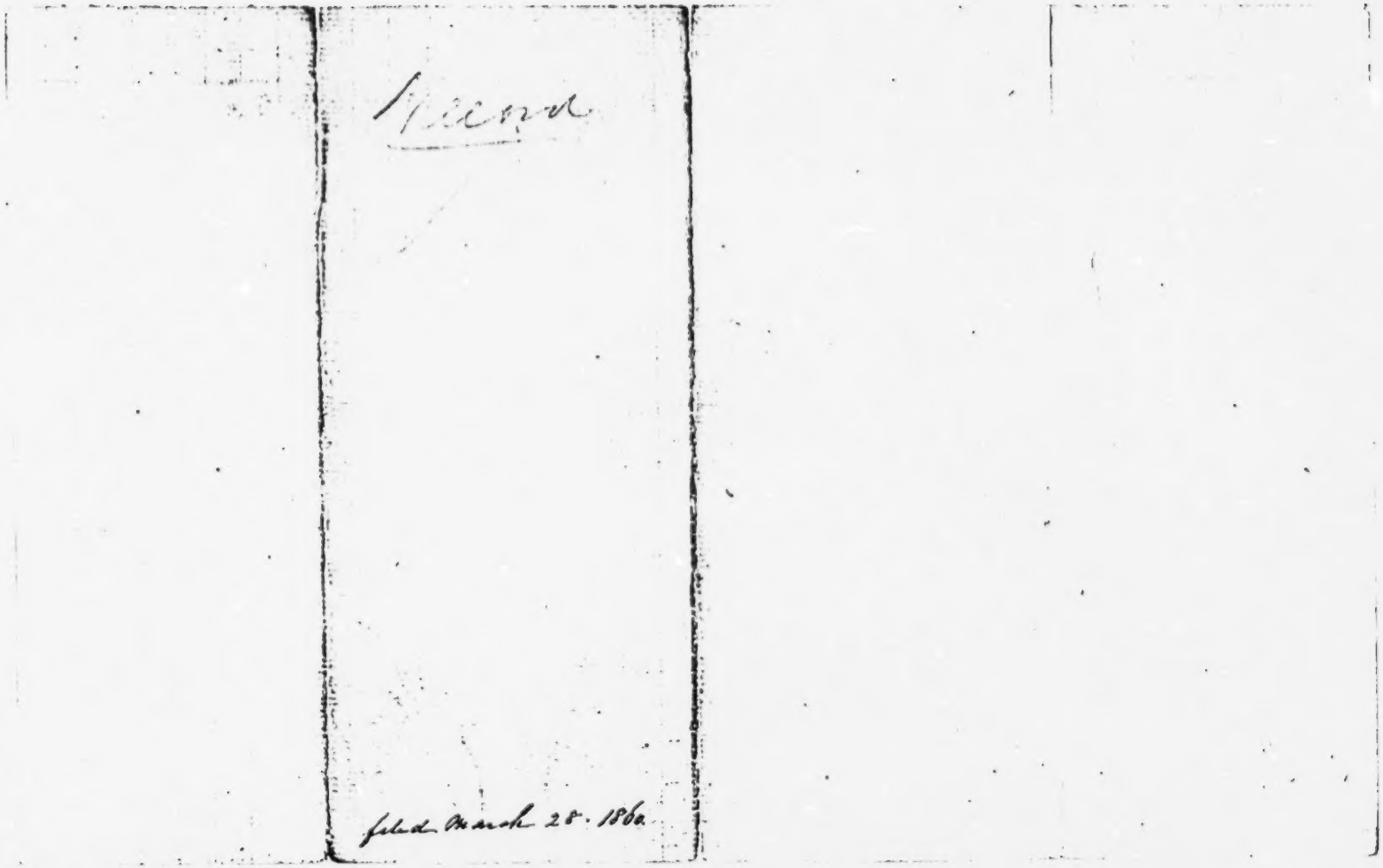
T. A. Moore clerk

State of Virginia. County of Jefferson, Sct:

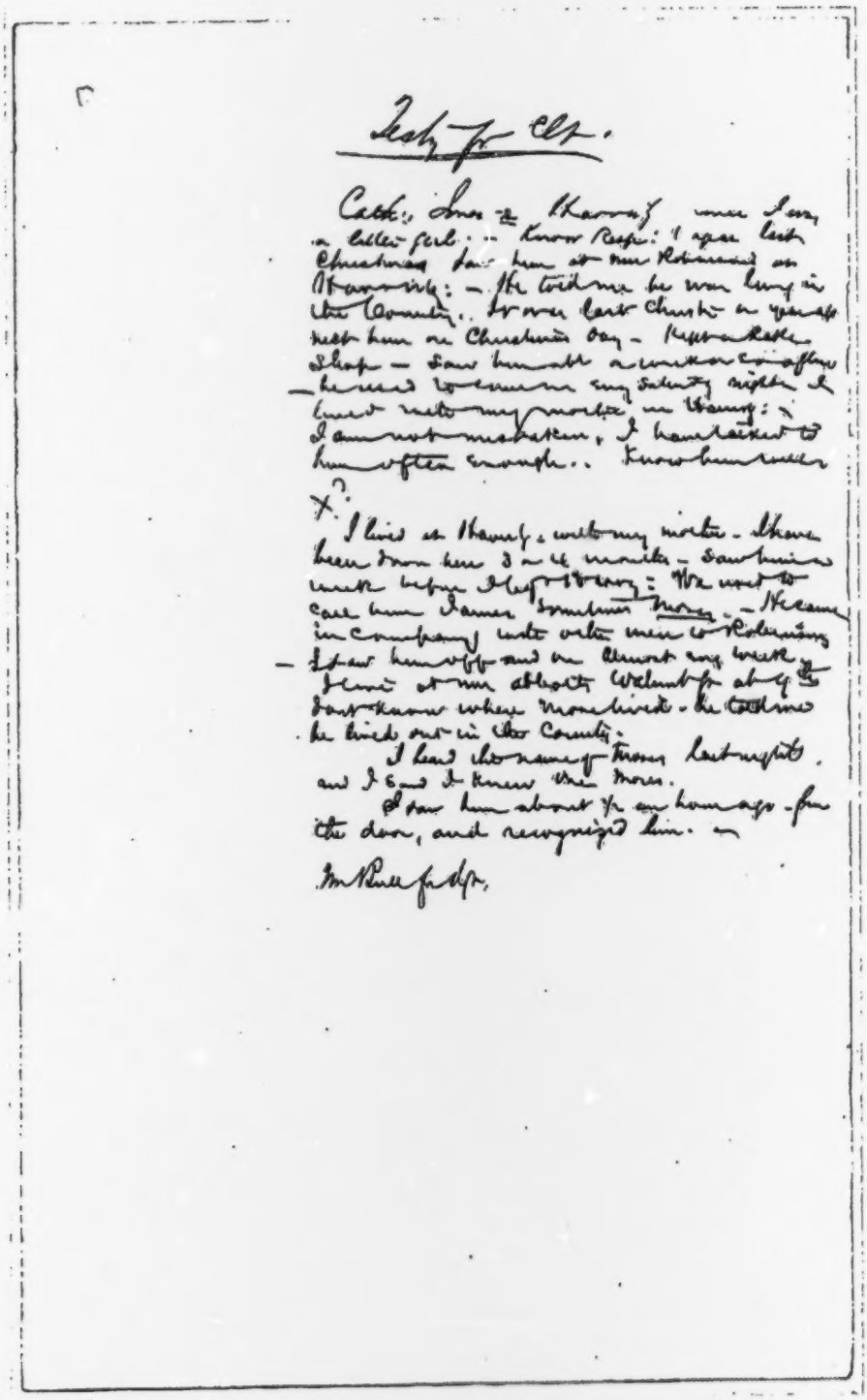
I, Braxton Davenport, presiding Justice of the County Court of Jefferson County, in Virginia, certify that Thomas A. Moore, who has this day given the foregoing Certificate under the seal of the said Court, is Clerk of the said Court, duly elected and qualified, and that full and attestation is due from of Law. Given under my hand, this 23d day of March, A.D. 1860.

Braxton Davenport

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 2



Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 3



Reply for Clt.

Cattle, Sheep & Hogs may Sam a Little girl. — Know Rose: I saw last Christmas Day him at our Returned on Thursday: — He told me he was living in this County. I saw last Christmas or year next him on Christmas Day — Keeps a Bake Shop — Saw him at a wake or Coffee — he used to come my Society night I lived with my mother, in Danvers: I am not mistaken, I have talked to him often enough. Know him well

X?

I lived in Danvers with my mother. There been from here 3 or 4 months — Saw him in Salem before Christmas: We used to call him James sometimes Moses. — He came in Company with other men to Coloring — I saw him off and on almost any week I lived at my aboard. We lived for about 3 or 4 days where Mr. Lived. He told me he lived out in this County.

I had the name of Moses last night. and I said I knew the Moses.

I saw him about 4 or 5 days ago - from the door, and recognized him. —

Mr Russell for Clt.

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 4

March 20. 1860.

Mr Earle - witness for Comm Coloring called in
for Com. That I must hear you on -
- Mr Earle. Perhaps to argue on the point of general
practice. Or Sir. I can readily give you time to procure
my witnesses.

Further hearing off. - Till 9 this night
Upon Majesty time & rules for Hearing: Till 9
tomorrow after Day Court. Rule made

W. W. Warriner sworn.

Mr Mr Kane recalled. Interrogated by
the Slave to request me to get the witness and
detect at his request - I first knew the alleged
fugitive name about 11 o'clock yesterday aft.
Mr Warriner. - member of the Com. I had
no opportunity to inform him yesterday: - He stated
there were men that knew him, and even
important evidence near Harrisburg: Mr Earle
knew three names. He told me the witnesses
would testify as to identity: -

Application for time - over ruled -

No Evidence

Mr Earle. for Respondent.

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 5

State of Virginia
County of Jefferson } Sct.

I Thomas A. Moore, Clerk of the County Court of said County of Jefferson in the State of Virginia Certify that the instrument is a true Copy from the records of the said Court.

Given under my hand and the Seal of the said Court this 23d day of March AD 1860

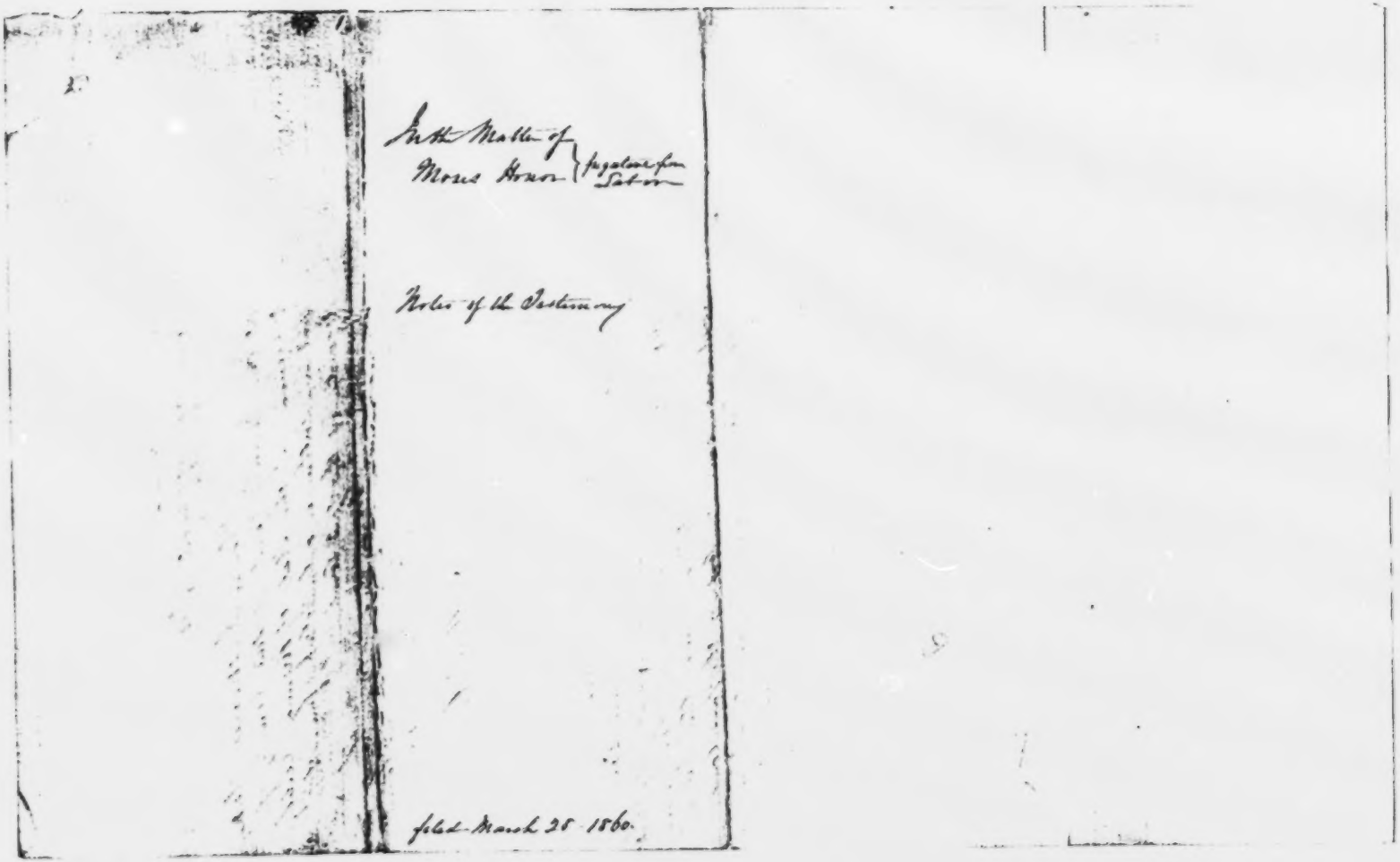
(Seal) P. A. Moore. Clerk

State of Virginia
County of Jefferson } Sct.

I Braxton Davenport Secondary Justice of the County Court of Jefferson County in Virginia, Certify that Thomas A Moore who has this day given the foregoing Certificate under the Seal of the said Court is Clerk of the said Court duly Elected and Qualified, and that his said Attestation is in due form of Law. Given under my hand this 23 day of March AD 1860.

Braxton Davenport.

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 6



Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 7

Re Moses Honner - Judge Underwood

Chas J. Butler.
Claimant

C.C. March 27. 1860.

Mr Brent for Owner & Claimant

Mr Geo. Earle, Mr Hull, Mr Warrington for Respondent.

Mr Brent opens for Chas. J. Butler of Jefferson Co Va:-
offers transcript Record made in Va:
before County Court:
in Rebon Case attention to allegation in Record. -

Mr Earle - to does not contain
offered - affect of official character of Judge
differences in Record. as opened by Mr B. &
the Record.

Mr Cox Cert on Copy under Act of 1793. - does
not in name municipal: -
Mark Rejected Obj.

Dep Evidence of Chas J. Butler - in matter
of Moses. Honner 28 March 1860. as copied
Examination about 16 a 17. August 1859.
27 yrs: Mulatto - Light 5.9 in Height -

Henry J. Cameron - sworn. Shepherdstown Va:
Jefferson Co: I know Chs J. Butler - know
Moses - speaks to him - was a Barber - boy
raised there in Va: 39 years: known
Moses abt 17 yrs: knows he was a Boy
X Can't tell when I saw him last - last
long before the war - saw him abt
Augt: saw him in Shepherdstown Va. Saw
him during Mr Butler's Claim from Sheriff
Don't know what time of day or what day -
saw him 50 yrds - saw him for years every
day - last time in August - Mr B lives
abt 2 miles from Shepherdstown. Can't say
how often I saw him - not every day - every
time he came to town - occasionally
times abt week. Saw him taking out
what - knows him at my Shop - saw an
Order for Clothes - Have measured & cut
clothes for him - Made a Coat for him
for 4 or 5 years. Measured him at night
before Christmas - Cross marks - except that
his right front & more Bodywork forward

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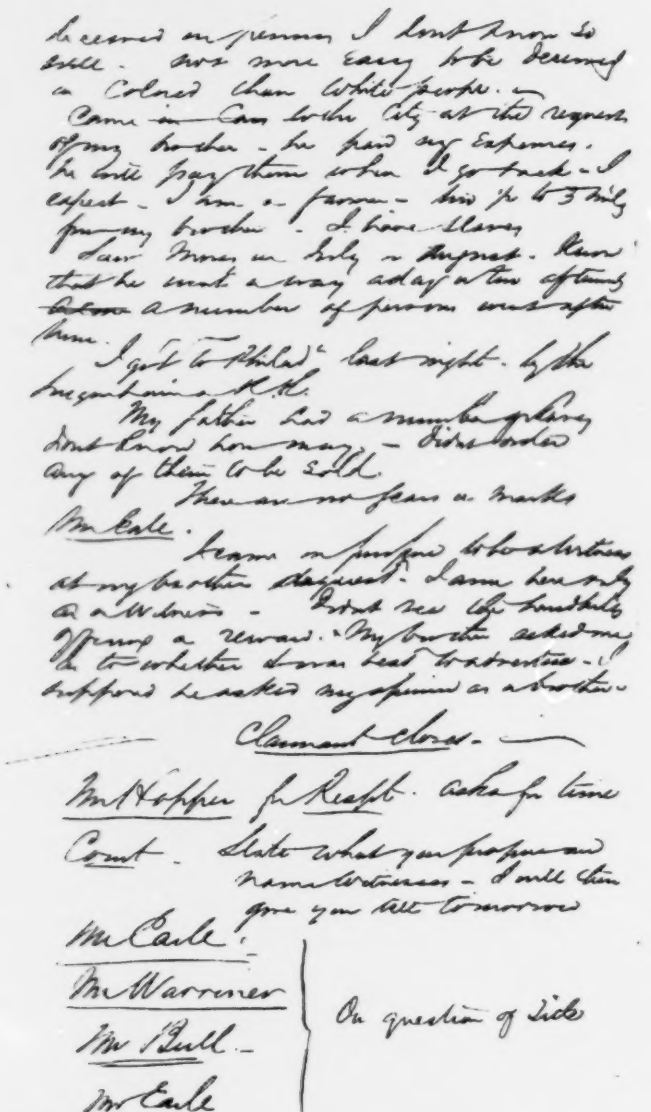

Recovered on person I don't know to
swear. was more easy to be deceived
a Colored than White person. —
Came in Cars to the City at the request
of my brother - he paid my Expenses.
he will pay them when I get back - I
expect - I am a - farmer - live 9 to 3 Mile
from my brother - I have slaves
I saw Moses in July or August - Knew
that he must a way ad day a few after
I saw a number of persons were after
him.
I got to Philad[a] last night - by the
Susquehanna R.R.
My father had a number of Negroes
don't know how many - Did not sold
any of them to be sold.
There are no scars or marks
on Cale.
I came on purpose to be a witness
at my brothers request - I am here only
as a witness - Did not see Cale handcuffed
Never a reward - My brother asked me
to be a witness I was head to witness - I
supposed he asked my opinion as a brother -
Claimant closes -
Mr Hopper for Respt. asks for time
Court. State what you propose and
name witnesses - I will then
give you till to-morrow
Mr Cale
Mr Warrener
Mr Bull
Mr Cale
} On question of Sick
Court 10 S prescribes the rule - the only
question is identity.
Mr Brewster opposes Counsel.
Continued on the understanding that it
offered Respondent to produce testimony
on the question of identity. Time Granted

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Have many conversations before
left Shepherdstown - I know that more
had left from Common reasons. I
don't know if any body was out looking
for them - Mr B. has served other
slaves - I was not in Pursuit at
all. I came last evening with a
brother of Mr Butler
I think More negroes owned he
about 27. - The men came from 12 or
13 miles Old Mr B. brought him a boy 8 or
Mr Earle
Mr Butler appointed to meet
me here today. - I don't know of any
mark except that he is pock-pitted
a one foot - I don't know which. I
came to Baltimore with Butler to Balt. and by request
of Mr Butler I came here. I came to Balt.
to purchase goods. -
I think I only 12 or 13 years
when I left Rhoda - I will be 24
years of age next May.
When Mr Butler died he
left 4 children - I saw no sale for
the father Hon. The men and Women
the Negroes belong to the Estate.
Mr Earle proposes to ask as to title.
Mr Brewster objects.
Mr Earle - The proceedings in Jefferson
are not setting out the title of persons entitled
of one.
Court - Under Mr Brewster objection - I think
the question of identity is alone.
By Mr Bell
The eldest Mr Butler had four
children
Mr B. - Mr is seeking to shew that
the person in Court - I suppose Mr
Brewster to shew his title.
Court. That can be discussed without bringing
up the main question.
Mr B. reads 10 Sect.
Question overruled as to children

Robert G. Harper Esq - Rhoda came
here once last July - Left Jeffn
Market St. from Shepherdstown Va
left there 6 or 8 years ago - Came to my
House came here last July - Know

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 10

been there at Shepherdstn. two or 3 times a year. Know Butler all my life. I am aged 28 years. Know Moses. Know him all my life & all his life.

X. Left Shepherdstn 5 yrs. ago. Go there to spend my Summers. Am guilty Simpler Moses Honner. Acquaintance commenced when at Shepherdstn during the holidays. Was at Butlers house stayed an evening with him. No other relation. Have seen him two or three times the last week. I volunteered my services as a witness. The boy belonged to my Grandfather. He lived at the farm Mr. Butler now owns. Knew Moses a boy. played with him.

Mr. Earle. I have seen Moses in 1859. Had 2 to. I have seen him within the last 2 mos. Know of no mark upon him. Know him from my knowledge of him. I volunteered my services to Mr Butler & to the Colored Man. and to the Country. I heard when I was in Shepherdstn that the boy had run away. When I saw him I volunteered.

I am with Sibley Moses Honner about Coming here. I am in the Sibley Company.

X X X

I have not seen him at any time since I saw him in Virginia.

Wm G. Butler Sw. Jefferson Co Va Farmer. 42 yrs. age. Know Mr Butler's Claim. He is from Same County. Same Town all his life. Saw his brother. Do you know Moses Honner? Obj: by Mr Earle. - interested under Will. Overruled.

I know Moses. Should him as I have known him for 18 years in Jefferson Co Va no doubt.

Butler. X - Have no doubt. Have been

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 11

Then we met them a few miles and
to receive the amount. I don't know
that they got any.
I am not a member of Church
don't go there often.

Albert Hammond knows. or. Lewis
Shepherdstown Va. Merchant tried
Chy about 1844. went for the City
Clerk. was named him. Knew Antietam
he lives abt 2 miles fr Shepherdstown.
Knew Knew him under known boys.
Knew Brown. Knows he is: he knows
well that I know him. Knew him
about 15 yrs. - Knew him when Jno
B. father first purchased him:

X. Mr Rust. Been in business here
him about 7 yr: - Clothing Hatter
Furrier &c a Customer. I received part
of the money for the purchase of Brown
for the Executors who sold him; under
the will of old Mr. in 1855. I
was then in the Commission business
about 4 years. Knew him frequently
last since July 1859. In market day
store. Came there to purchase a pair
of Pantaloons. I saw him frequently
then since 2 or 3 times a day. Frequently
talked with him. I owned him till
August last Palmer at the request of
the Executor for the purpose of paying the
Appeal. He made him Palmer on
Saturday Evening last. He paid me
told me what he wanted me to
see him at the Bar. I expected my
Lawyer would be there. Some Catholic
friends. a Son or Cousin met me and
asked if I went to the depot. He
did not offer me any money. I did not
take any money for their things. If
such existed he was to pay any travelling
Expenses of sending. I am Certain
he is the man.
I was told by Mr B. that he was
to pay my Expenses. I never did take
any home. He told me some more.
I never did take any more —

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 12

C

When the order - was read Mr Hooper - asked leave of - Court to make a statement

Counsel for Honner - objected to such statement - he expected Commissioner would tell the Marshal to take the boy - Hooper - answered there was no fear of any such thing - Expenses were paid. Commissioner was positive about my time being paid for - Inspector Campbell - of Boston Mass. got his boy back - McKenzie said he would see my expenses - if he corrected, he would follow one something - I expected something because I knew a man who was down to Boston last night - He told me that he would pay me - that he would pay my expenses - if he succeeded that he would receive one fifty time - that was all he - Nothing more was said about pay - one fifty time - I expected him to give me something for it -

Mr Earle moves to reject testimony - Motion overruled - by the Court -

Mr Ball - cross examines - as to whether he does not hope to be interested - in the result of this Court - he may be - to the extent of the testimony - is to be expected - to one -

Mr Butler asked me to go - as I knew the boy - I told him I had only been about two days - he came to my place to have me - Commissioner - Mr Butler - Mr R.C. to Honner - among them - I left - alone - went to the Revere House - did see Honner till yesterday - I met him on the 3rd I saw Butler on Sunday night - I saw Honner yesterday about 4 o'clock in a Cleary near the Jail - he - Officer - & a Gentleman named Peck - of Norwich - was with him -

Mr Earle - Honner and Brown till he was taken - I got when they took him - I depend on he Honner is to - I shall be paid - I have lost 7 days - time - of family - I work for - I follow - in it - My time is worth $3 per day - I have been out before on such business - my time is worth when I am - $1.50 per day - I have not stated any thought as to what I am to get - but he is not to pocket if I don't get

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 13

more than $15 - I dont know what I am to get. - I went to the magistrate to hunt after more before and got [illegible] I dont keep dogs or cats either. I own a boat. - I have been out in our state to hunt sheep. After one or two came home, and Dyer asked me about me. If I knew anything concerning a negro about here, &c. I will not go out except for a particular friend, except they pay me for it.

I have never been out of this State hunting. I have been and hunted a dozen in our state. If I had caught them I would have been paid by a reward. The reward is 10 % on the amount that he sells for. -

I dont consider that I got my reward from Mode. The Marshall told them: Gardner would have bills of. but I dont know what reward. I do not know that the reward is not to be given if anyone else reward am $100 & $200. Sawyer read the hand bill. dont know who will get the reward. Sawyer saw it.

I cant found out my name except the first that I have.

Con Butler first told me that he was in Nashville about 2 weeks ago I believe he got a letter - I dont see the letter Con Butler calls for letter -

I dont think he had me write such the letter - have not been there for 6 months - have been here within a year. -

He told me that he (B) had been at Nashville, and had been before my door - he saw more than himself. So he said.

On my oath. when the negro goes back of the bar go back. I will not get $ 100. I dont know a thief Sawyer take $ 100 - it is only all reason he said.

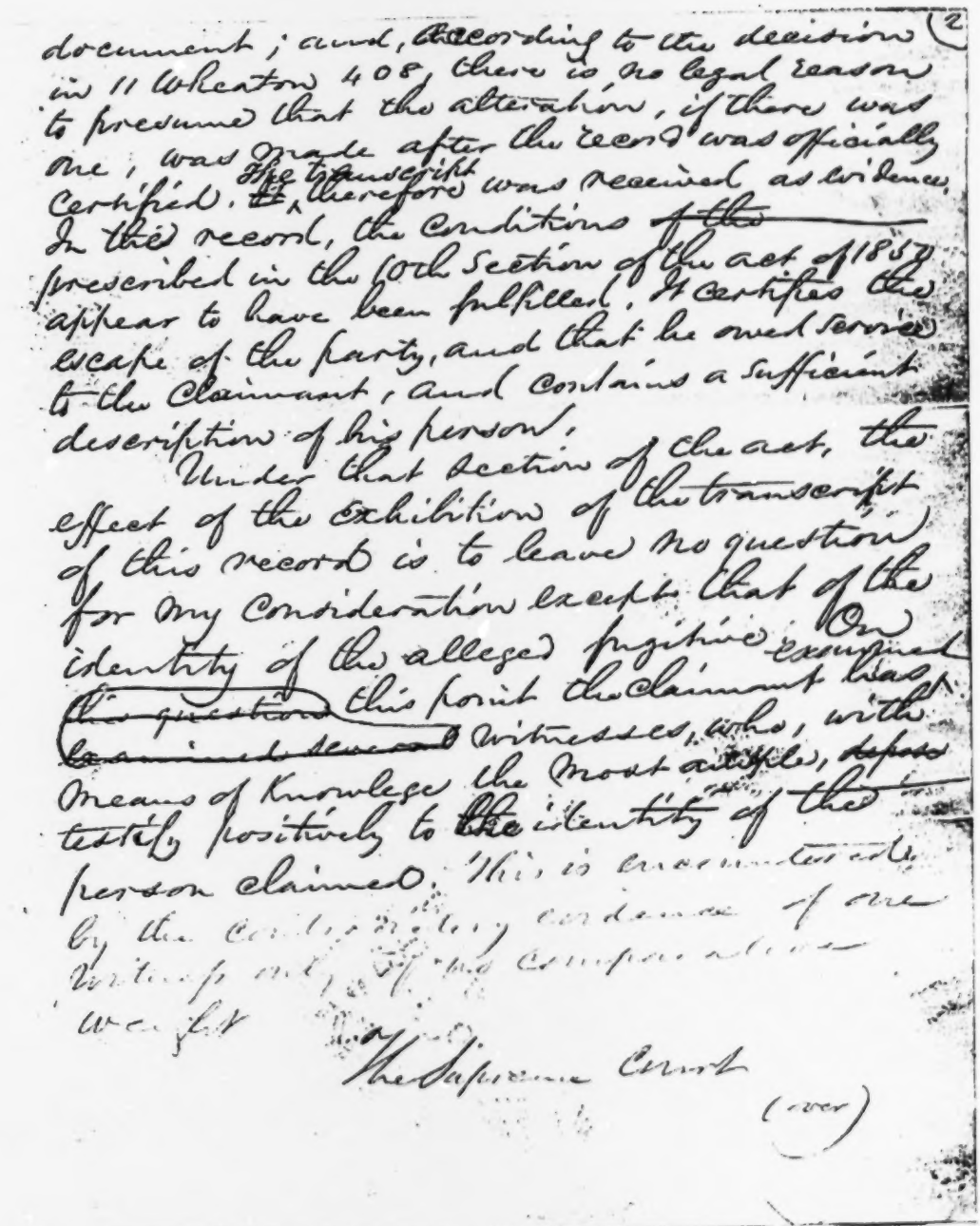
Never doubt about the boy being Moses he always called him Jerry.

Document 2, Honner Case: Evidence in the Moses Honner (1860) Fugitive from Labor Case, Page 14

Case of Moses, [illegible] called
Moses Honner, claimed as a fugitive
from labor by [illegible] Butler

The claimant produces the copy of a proceeding in a Court of record in Virginia upon his application made conformably to the provisions of the 10th Section of the act of Congress of 18 Septr 1850. This copy is duly certified ~~[illegible]~~ according to the requirements of the act of 26 May 1790. An objection to its reception as evidence has been founded upon a suggested partial alteration in the ~~[illegible]~~ of the Surname of the alleged fugitive wherever it occurs in the document. The means of identification of this party, in his Christian Name, in the Name of his alleged owner, and that of the place where the service was due, and in the description of his person set forth in the record, render exact precision in this point of the Surname of trivial importance. There is nothing suspicious in the appearance of the

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 1 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave



document; and, according to the decision in 11 Wheaton 408, there is no legal reason to presume that the alteration, if there was one, was made after the record was officially certified. The transcript therefore was received as evidence. In this record, the conditions of the ~~the~~ prescribed in the forth section of the act of 1850 appear to have been fulfilled. It certifies the escape of the party, and that he owed service to the claimant, and contains a sufficient description of his person.

Under that section of the act, the effect of the exhibition of the transcript of this record is to leave no question for my consideration except that of the identity of the alleged fugitive. On ~~the question~~ this point the claimant has examined several witnesses, who, with means of knowledge the most ample, depose testify positively to the identity of the person claimed. This is uncontradicted by the evidence of one witness only of the complainant

The Supreme Court

(over)

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 2 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave

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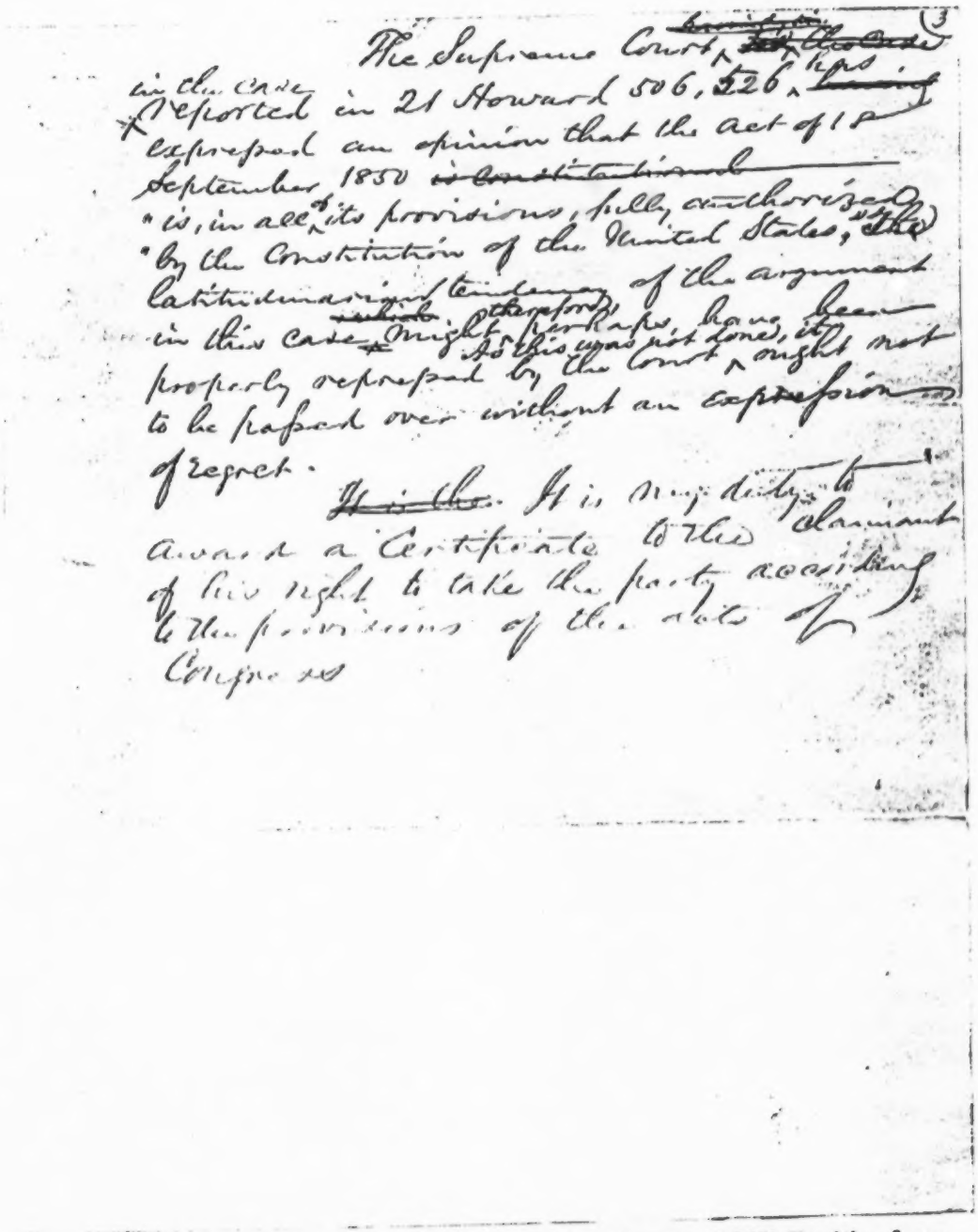

The Supreme Court in the case reported in 21 Howard 506, 526, has expressed an opinion that the act of 18 September 1850 is constitutional in all its provisions, fully authorised by the Constitution of the United States, the latitudinarian tendency of the argument in this case might perhaps have been checked, if so this was not done, it ought not properly expressed by the Court, ought not to be passed over without an expression of regret. It is my duty to award a Certificate to the claimant of his right to take the party according to the provisions of the acts of Congress

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 3 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave

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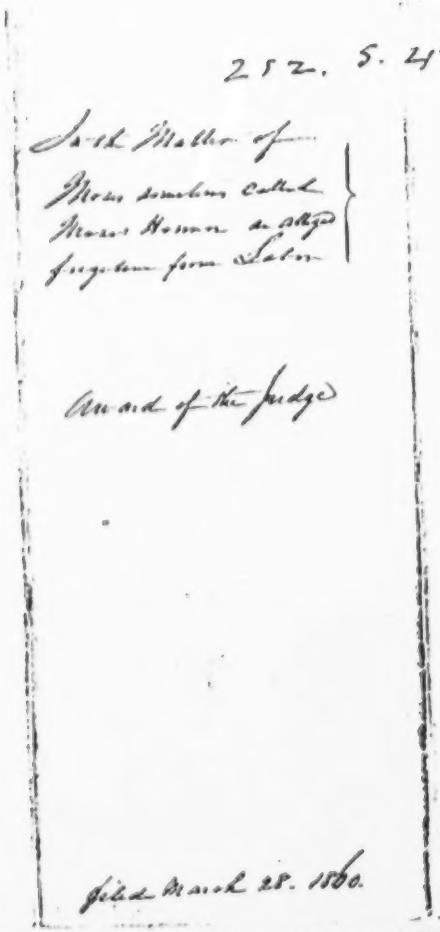
252. 5. 4th

Sarah Miller of
Moses sometimes called
Moses Honner as alleged
fugitive from Labor

Award of the Judge

filed March 28. 1860.

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 4 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave

United States of America,
Eastern District of Pennsylvania } ss.

In the Circuit Court of the United States,

IN AND FOR THE EASTERN DISTRICT OF PENNSYLVANIA, IN THE THIRD CIRCUIT:—

In the Case of Moses, [illegible] called Moses Honner Claimed by Charles F. Butler — as a Fugitive from his Service:—

We do certify, That having heard the Parties above named, in open Court, it does appear by Proof to our satisfaction, that the said Moses [illegible] called Moses Honner seized and arrested in this District aforesaid, was held to Labour by the said Charles F. Butler of the County of Jefferson in the State of Virginia under the Laws of the said State; and that the said Moses [illegible] called Moses Honnesdeth, under the Laws of the said State, owes Labour & Service to the said Charles F Butler and hath Escaped from the said State: and from the Service of the said Charles F Butler.

Wherefore, The said Charles F Butler his Agent & Attorney, hath authority to use such reasonable force and restraint as may be necessary, under the circumstances of the Case, to take and remove the said Moses [illegible] called Moses Honner back to the State & Territory from whence he hath escaped as aforesaid: **And,** In pursuance of the Act of Congress of the United States, in such case made and provided, this Certificate is given to the said Charles F. Butler — in order that the said Moses [illegible] called Moses Honner may be removed back to the said State of Virginia

Given under our Hand and the Seal of the said Court, at Philadelphia, the twenty Eighth day of March A. D. 1860 and in the Eighty fourth year of the Independence of the said United States.

John Cadwalader
Judge

J. W. Ingraham
Clk. U.S. Cir. Ct. E. Dist. Pa.

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 5 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave

CIRCUIT COURT, U. S.
East. Dist. of Penna.
October SESSION, 1859

IN THE MATTER
of
Moses, formerly
called Moses Honner
A Fugitive from Labour.

CERTIFICATE.

filed March 1860

Document 3, Honner Case: Judgment in the Moses Honner (1860) Fugitive from Labor Case, Page 6 - Awarding and Processing of a Certificate of Removal in the Matter of Moses Honner, Fugitive Slave